

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

CORY MCNEAL	)	
	)	
v.	)	No. 1:12-CV-187/1:08-CR-56
	)	<i>Chief Judge Curtis L. Collier</i>
UNITED STATES OF AMERICA	)	

**MEMORANDUM**

Federal prisoner Cory McNeal (“McNeal”) filed for post-conviction relief pursuant to 28 U.S.C. § 2255 on June 23, 2011 (Criminal Court File No. 482).<sup>1</sup> The Court denied relief on June 27, 2011, finding McNeal’s § 2255 motion was time-barred by the statute of limitations (Criminal Court File Nos. 483 & 484). McNeal has now filed a second § 2255 motion attacking the same conviction (Criminal Court File No. 509).

In accordance with the “Antiterrorism and Effective Death Penalty Act of 1996,” effective April 24, 1996, McNeal cannot file a second or successive § 2255 motion in the District Court until he has moved in the United States Court of Appeals for the Sixth Circuit for an order authorizing the District Court to consider the motion. This Court has not received an order from the Sixth Circuit authorizing it to consider the pending motion.

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<sup>1</sup> Each document will be identified by the Court File Number assigned to it in the underlying criminal case.

Accordingly, the Clerk will be **DIRECTED** to **TRANSFER** this action to the United States Court of Appeals for the Sixth Circuit, pursuant to 28 U.S.C. § 1631 and close this case. *See Sims v. Terbush*, 111 F.3d 45, 47 (6th Cir. 1997).

SO ORDERED.

ENTER.

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**